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Application No. 09/862,979

REMARKS

Claims 1, 3-5, 7-9, 11-13 and 15-21 are pending herein. By the Office Action, claims 1-3, 5-7, 9-11, 13-15 and 17-19 are rejected under 35 U.S.C. §102(b); and claims 4, 8, 12 and 16 are objected to. By this Amendment, claims 1 and 17 are amended to incorporate the subject matter of claim 2. Claims 2, 6, 10 and 14 are canceled and claim 3 is amended accordingly. New claims 20-21 are added, which correspond to the subject matter of claims 3 and 4. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

Applicant thanks the Examiner for the indication that claims 4, 8, 12 and 16 are objected to as being dependent upon a rejected base claim, but are otherwise allowable. New claim 21 includes the same limitations as claim 4, and thus should also be allowable. For all of the reasons described below, all of the pending claims are in condition for allowance.

Applicant also thanks the Examiner for withdrawal of the previous rejections under 35 U.S.C. §112, §102, and §103.

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Claims 1-3, 5-7, 9-11, 13-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Madden. The Office Action argues that Madden discloses all of the limitations of the claimed invention. Applicant respectfully traverses this rejection as it may be applied to the amended claims.

The claimed invention of independent claim 1 is directed a shrouded nozzle arrangement for a gas turbine engine exhaust gas comprising a gas turbine, an exhaust nozzle, a duct means for providing communication of exhaust gas between the gas turbine and the exhaust nozzle, and a shroud which encloses the nozzle and duct means, the shroud having an exit aperture through which, in use, the exhaust nozzle discharges, wherein the exhaust nozzle is translatable from a first position, wherein an exit plane of the nozzle lies upstream of the exit aperture of the shroud, to a second position, wherein the exit plane of the exhaust duct lies substantially downstream of the exit aperture of the shroud; wherein the duct means comprises an inner duct member and an outer duct member concentric with one another, wherein the inner and outer duct members are slideably mounted and movable relative to one another, the outer duct member at all times overlapping the inner duct member such that inner and outer duct members provide continuous duct means. Such a shrouded nozzle arrangement for a gas turbine engine is not disclosed in Madden.

As amended, claim 1 requires that the duct means comprises an inner duct member and an outer duct member concentric with one another. The claim further requires that the inner and outer duct members are slideably mounted and movable relative to one another, with the outer duct member at all times overlapping the inner duct member such that the inner and outer duct members provide continuous duct means. However, at least these limitations are nowhere disclosed in Madden.

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According to the Office Action, it is alleged that the duct means of the claimed invention is disclosed in Madden as in items 25 and 26 in the Figures. However, Madden merely discloses that items 25 and 26 are "upper and lower duct liners." See, for example, col. 2, lines 51-52 and 55-66. Madden nowhere else provides any further description of the duct liners 25 and 26. At most, Madden only discloses that the duct means 4 has opposed top and bottom walls 6,8, respectively, sidewalls 10,12, and upper and lower duct liners 25,26 See col. 2, lines 50-52. Likewise, the claims in Madden merely specify that the exhaust duct means has "opposed, fixed, sidewalls." See, for example, claims 1, 2, 4 and 5.

In contrast to the fixed sidewalls of the duct means of Madden, the claimed invention specifically requires that the duct means includes both an inner and an outer duct member that are concentric with one another. Furthermore, whereas the duct means of Madden are "fixed," the inner and outer duct members of the claimed invention are specifically required to be slideably mounted and movable relative to one another. Nowhere does Madden disclose these limitations of the claimed invention.

For at least these reasons, Madden fails to disclose each and every limitation of the claimed invention. Madden thus does not anticipate the claimed invention. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

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Should the Examiner believe that anything further is necessary in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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Date: November 23, 2004

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